APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,958	10/01/2003	Joe Shochet	54317-023301	9262

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EXAMINER
LIU, LIN

ART UNIT	PAPER NUMBER
2445	

NOTIFICATION DATE	DELIVERY MODE
10/05/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
	10/677,958	SHOCHET ET AL.
Office Action Summary	Examiner	Art Unit	
	LIN LIU	2445	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>31 July 2009</u>.
2a) ☐ This action is FINAL.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-7,24-28 and 44-58</u> is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-7,24-28 and 44-58</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All   b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date <u>07/31/2009</u>.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is responsive to communications filed on 07/31/2009.

Claims 1-7, 24-28 and 44-58 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

07/31/2009 has been entered.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

4.   Claims 44-47 rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention.

5.   Applicant has amended claim 44 to include "transmitting the unique code to the

at least one second user via a mode outside of the multi-user gaming environment;

receiving the unique code from the at least one second user;" wherein such

limitations are not found in the specification. Applicant has not specifically pointed out

where in the specification, such limitations can be found. The examiner has reviewed

the specification, and is believed that Applicant intends to claim "receiving the unique

code *from the first user"*.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-7, 24-28 and 44-58 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Danieli et al. (Patent no.: US 7,240,093 B1)** in view of **Maehiro**

(PGPUB: US 2002/0062348 A1) and **Harvey et al. (PGPUB: US 2002/0059379 A1).**

With respect to **claim 1,** Danieli teaches a method for initiating communication in

real-time between users in a multi-user communication environment, the method

comprising:

providing an invitation generated by a multi-user communication environment to

a first user in the multi-user communication environment during communication between

the first user and at least one other user via an exchange of words from a menu of

predetermined words between the first user and the at least one other user (Danieli: fig.

9, col. 9, lines 28-51), the invitation being transmitted from the first user to the at least

one other user via a mode outside of the multi-user communication environment

(Danieli: col. 9 line 58 to col. 10 line 26 and col. 10, lines 43-53);

initiating secure free form communication between the users upon the invitation

being received in the multi-user communication environment after the invitation is

submitted to the multi-user communication environment by from the at least one other

user (Danieli: col. 10 line 54 to col. 11 line 15).

However, Danieli does not explicitly teach that the invitation comprise of a unique

code and a method of authenticating a chat room invitation.

In the same field of endeavor, Maehiro teaches a method that the invitation

comprise of a unique code (Maehiro: fig. 5, page 1, paragraphs 11 and 14, and page 3,

paragraphs 38-39, noted that the invitation data format includes user ID number.).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time of the invention to incorporate the invitation data format as taught by Maehiro in

Danieli's invention in order to allow the server to efficiently identify the area of the

database (Maehiro: page 1, paragraph 14).

However, the combined method of Danieli-Maehiro does not explicitly teach a

method of authenticating a chat room invitation.

In the same field of endeavor, Harvey teaches a method of authenticating a chat

room invitation (Harvey: fig. 3, page 7, paragraph 66, noted that the invited user is

approved by the central controller).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time of the invention to incorporate the method of authenticating a chat room

invitation as taught by Harvey in Danieli-Maehiro's invention in order to enhance

network security between users.

With respect to **claim 2,** Danieli teaches the method according to claim 1,

wherein the invitation is provided by the multi-user communication environment (Danieli:

fig. 1& 9, col. 5lines 26-46).

However, Danieli does not explicitly teach that the invitation comprise of an

unique code.

In the same field of endeavor, Maehiro teaches that the invitation comprise of an

unique code (Maehiro: fig. 5, page 1, paragraphs 11 & 14).

With respect to **claim 3,** Danieli teaches the method according to claim 2,

wherein the multi-user communication environment is an online multiplayer gaming

environment (Danieli: fig. 1& 9, col. 5lines 26-46).

With respect to **claim 4,** Danieli teaches the method according to claim 1,

wherein the code is transmitted by the first user through at least one of an email

program, a telephone conversation, a handwritten note, a chat room program, direct

communication, a instant message program, and a facsimile (Danieli: col. 9 line 58 to

col. 10 line 26 and col. 10, lines 43-53).

With respect to **claim 5,** Danieli teaches the method according to claim 1,

wherein the first user initiates real-time and secure communication with the at least one

other user after the code is authenticated in the multi-user communication environment

(Danieli: col. 10 line 54 to col. 11 line 15).

With respect to **claim 6,** Danieli teaches the method according to claim 1, wherein the code comprises a sequence of symbols (Danieli: col. 9 line 58 to col. 10 line 26).

With respect to **claim 7,** Danieli teaches the all of the claimed limitations, except that he does not explicitly teach an invitation code comprises a sequence of alpha-numeric symbols.

In the same field of endeavor, Maehiro teaches that the invitation comprise of a unique code (Maehiro: fig. 5, page 1, paragraphs 11 and 14, and page 3, paragraphs 38-39, noted that the invitation data format includes user ID number.).

With regard to **claims 24-26,** the limitations of these claims are substantially the same as those in claims 1, 3 and 6. Therefore the same rationale for rejecting claims 1, 3 and 6 is used to reject claims 24-26. By this rationale **claims 24-26** are rejected.

With respect to **claim 27,** Danieli teaches the computer readable media according to claim 24, wherein the unique code is provided in response to a request by the first one of the two users (Danieli: col. 9, line 58 to col. 10 line 56).

With respect to **claim 28,** Danieli teaches the computer readable media according to claim 24, wherein the unique code is valid for a limited period of time (Danieli: col. 9, lines 28-57).

With respect to **claim 48,** Danieli teaches a method for initiating secure free form communication between users in a multi- user gaming environment in which communication is restricted to an exchange of words selected from a menu of predetermined words provided by the gaming environment, the method comprising:

providing an invitation generated by the gaming environment, during the exchange of words selected from the menu of predetermined words between a first and at least one second user, to the first user in the gaming environment upon request by the first user (Danieli: fig. 9, col. 9, lines 28-51);

transmitting the invitation to the second user from the first user via a mode outside of the gaming environment (Danieli: col. 9 line 58 to col. 10 line 26 and col. 10, lines 43-53);

receiving the invitation in the gaming environment submitted by the second user (Danieli: col. 9 line 58 to col. 10 line 26);

permitting the first and second users to communicate via free form secure communication when the invitation is received by the multi-user gaming environment (Danieli: col. 10 line 54 to col. 11 line 15).

However, Danieli does not explicitly teach that the invitation comprise of a unique code and a method of authenticating a chat room invitation.

In the same field of endeavor, Maehiro teaches a method that the invitation comprise of a unique code (Maehiro: fig. 5, page 1, paragraphs 11 and 14, and page 3, paragraphs 38-39, noted that the invitation data format includes user ID number.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the invitation data format as taught by Maehiro in Danieli's invention in order to allow the server to efficiently identify the area of the database (Maehiro: page 1, paragraph 14).

However, the combined method of Danieli-Maehiro does not explicitly teach a method of authenticating a chat room invitation.

In the same field of endeavor, Harvey teaches a method of authenticating a chat room invitation (Harvey: fig. 3, page 7, paragraph 66, noted that the invited user is approved by the central controller).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of authenticating a chat room invitation as taught by Harvey in Danieli-Maehiro's invention in order to enhance network security between users.

With respect to **claim 49,** Danieli teaches the method of claim 48 wherein the gaming environment is facilitated on a server connected to the Internet (Danieli: fig. & 9, and col. 5, lines 26-46).

With respect to **claim 50,** Danieli teaches the method of claim 48 wherein the request by the first user is provided in response to a query presented to the first user by the gaming environment (Danieli: col. 9, line 58 to col. 10 line 56).

With respect to **claim 51,** Danieli teaches the method of claim 50 wherein the unique code is valid for a predetermined period of time (Danieli: col. 9, lines 28-57).

With regard to **claims 52-58,** the limitations of these claims are substantially the same as those in claims 48-51. Therefore the same rationale for rejecting claims 48-51 is used to reject claims **52-58.** By this rationale **claims 52-58** are rejected.

Response to Amendment

8.   Applicant's arguments with respect to claims 1-7, 24-28 and 44-58 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LIN LIU whose telephone number is (571)270-1447.

The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Srivastava Vivek can be reached on (571) 272-7304. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

        Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Liu/
Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/
Supervisory Patent Examiner, Art Unit 2445